

**GABLEHOUSE CALKINS & GRANBERG, LLC**

Attorneys and Counselors at Law

410 SEVENTEENTH STREET  
SUITE 1375  
DENVER, COLORADO 80202

DONN L. CALKINS

(303) 572-0050  
(800) 818-0050  
FAX (303) 572-3037  
dcalkins@gcgllc.com

June 27, 2005

Darin Atteberry, City Manager  
City of Fort Collins  
300 LaPorte Avenue  
Fort Collins, Colorado 80521

**Re: Notice of Intent to File Suit Pursuant to 42 U.S.C. § 6972(a)(1)(B)  
Public Service Company of Colorado, d/b/a Xcel Energy, Inc.  
City of Fort Collins, Colorado**

Dear Mr. Atteberry:

This Notice relates to hazardous waste at and in the vicinity of the Poudre River Site (the "Site") in Fort Collins, Colorado, which may present an imminent and substantial endangerment to health or the environment. By this Notice Wayne K. Schrader, 320 N. College Avenue, Fort Collins, Colorado, (970) 484-1225, as represented by his counsel Gablehouse Calkins & Granberg, LLC, hereby gives notice of his intent to file suit pursuant to § 6972(a)(1)(B) of the Resource Conservation and Recovery Act of 1976 ("RCRA") as amended by the Hazardous and Solid Waste Amendments of 1984, and to seek an order of the court directing the above-named parties to take such action as may be necessary to abate the imminent and substantial endangerment.

The Poudre Valley Gas Company ("PVGCo") owned and operated a coal gasification plant within the boundaries of the Site from approximately 1905 to 1926 under a franchise agreement with the City of Fort Collins (the "City"). Public Service Company of Colorado ("PSCo") acquired the gas plant from PVGCo in 1926 and continued to operate the plant and gas distribution system under the same franchise agreement. Operations by PVGCo and PSCo resulted in the generation of "coal tar" consisting of benzene, naphthalene, xylenes and other volatile and semi-volatile organic compounds. The presence of coal tar from these operations resulted in contamination of soil and groundwater at the Site. Contamination at the Site consists of "solid wastes" and "hazardous wastes" under RCRA.

In 1996, as part of the relocation of railroad tracks in and near the Site, the City excavated and removed the contents of one gas holder at the former coal gasification plant. The City employed emulsifiers and surfactants to clean the gas holder, allowing those materials to enter the soil and groundwater at the Site where they mobilized coal tar constituents. In addition, the "City Dump," an uncontrolled landfill, was operated over a large portion of the Site from approximately the 1920s to the 1960s. It is possible that coal tar wastes may have been disposed of in the City Dump by PVGCo or PSCo. Further, sampling indicates the presence of PCE and other organic

*City of Fort Collins, Colorado*  
*Notice of Intent to File Suit Pursuant to 42 U.S.C. § 6972*  
*June 27, 2005*  
*Page 2*

solvents in the City Dump which may have further mobilized coal tar constituents. As a result of activities of the City as franchisor to PVGCo and PSCo, in the operation of the City Dump, and in the railroad relocation project, soil and groundwater contamination at the Site have been exacerbated.

In 2002, an oily sheen was observed in the Poudre River on the northern boundary of the Site. Investigation indicated the presence of Non-Aqueous Phase Liquids ("NAPL") consistent with contamination arising from operation of the coal gasification plant. In 2004-05, as part of a CERCLA Administrative Order on Consent between EPA, PSCo, the City and Schrader Oil Company, PSCo constructed a vertical barrier wall and hydraulic containment trench to intercept NAPL from entering the Poudre River.

The CERCLA remedy being implemented at the Site is intended to prevent further releases of coal tar constituents into the Poudre River. The claims to be asserted by Mr. Schrader do not impact the CERCLA remedy but rather address conditions in other areas of the Site. Large quantities of contaminated soils still remain at the Site, especially in the area of the former City Dump, at levels exceeding State standards. A large portion of the Site is currently used as a park/community recreation center and community services center. The presence of RCRA hazardous wastes at levels exceeding State standards in this area and a potential inhalation pathway may present an endangerment to the public. The construction by the City of public buildings in this contaminated area further heightens the risk posed to public health.

The City and PSCo are former owners and/or operators of facilities who have contributed to the handling, storage, treatment or disposal of hazardous wastes at the Site which may present an imminent and substantial endangerment to the public or environment. For this reason, Mr. Schrader hereby places the City and PSCo on notice of his intent to assert claims against the City and PSCo pursuant to 42 U.S.C. § 6972(a)(1)(B).

Sincerely,



Donn L. Calkins  
for GABLEHOUSE CALKINS & GRANBERG, LLC

cc: Stephen L. Johnson, Administrator, U.S. Environmental Protection Agency  
Robert Roberts, Administrator, U.S. Environmental Protection Agency, Region 8  
Gary Baughman, HMWMD, State of Colorado  
Matthew Cohn, Esq., 8ENF-L  
Paul Peronard, 8EPR-SA  
Lauren C. Buehler, Esq.  
Carrie Daggett, Esq.

# GABLEHOUSE CALKINS & GRANBERG, LLC

Attorneys and Counselors at Law

410 SEVENTEENTH STREET  
SUITE 1375  
DENVER, COLORADO 80202

DONN L. CALKINS

(303) 572-0050  
(800) 818-0050  
FAX (303) 572-3037  
dcalkins@gcgllc.com

June 27, 2005

Public Service Company of Colorado  
d/b/a Xcel Energy  
Corporation Service Company  
1560 Broadway  
Denver, Colorado 80202

**Re: Notice of Intent to File Suit Pursuant to 42 U.S.C. § 6972(a)(1)(B)  
Public Service Company of Colorado, d/b/a Xcel Energy  
City of Fort Collins, Colorado**

To Whom It May Concern:

This Notice relates to hazardous waste at and in the vicinity of the Poudre River Site (the "Site") in Fort Collins, Colorado, which may present an imminent and substantial endangerment to health or the environment. By this Notice Wayne K. Schrader, 320 N. College Avenue, Fort Collins, Colorado, (970) 484-1225, as represented by his counsel Gablehouse Calkins & Granberg, LLC, hereby gives notice of his intent to file suit pursuant to § 6972(a)(1)(B) of the Resource Conservation and Recovery Act of 1976 ("RCRA") as amended by the Hazardous and Solid Waste Amendments of 1984, and to seek an order of the court directing the above-named parties to take such action as may be necessary to abate the imminent and substantial endangerment.

The Poudre Valley Gas Company ("PVGCo") owned and operated a coal gasification plant within the boundaries of the Site from approximately 1905 to 1926 under a franchise agreement with the City of Fort Collins (the "City"). Public Service Company of Colorado ("PSCo") acquired the gas plant from PVGCo in 1926 and continued to operate the plant and gas distribution system under the same franchise agreement. Operations by PVGCo and PSCo resulted in the generation of "coal tar" consisting of benzene, naphthalene, xylenes and other volatile and semi-volatile organic compounds. The presence of coal tar from these operations resulted in contamination of soil and groundwater at the Site. Contamination at the Site consists of "solid wastes" and "hazardous wastes" under RCRA.

In 1996, as part of the relocation of railroad tracks in and near the Site, the City excavated and removed the contents of one gas holder at the former coal gasification plant. The City employed emulsifiers and surfactants to clean the gas holder, allowing those materials to enter the soil and groundwater at the Site where they mobilized coal tar constituents. In addition, the "City Dump," an uncontrolled landfill, was operated over a large portion of the Site from approximately the 1920s to the 1960s. It is possible that coal tar wastes may have been disposed of in the City

Dump by PVGCo or PSCo. Further, sampling indicates the presence of PCE and other organic solvents in the City Dump which may have further mobilized coal tar constituents. As a result of activities of the City as franchisor to PVGCo and PSCo, in the operation of the City Dump, and in the railroad relocation project, soil and groundwater contamination at the Site have been exacerbated.

In 2002, an oily sheen was observed in the Poudre River on the northern boundary of the Site. Investigation indicated the presence of Non-Aqueous Phase Liquids ("NAPL") consistent with contamination arising from operation of the coal gasification plant. In 2004-05, as part of a CERCLA Administrative Order on Consent between EPA, PSCo, the City and Schrader Oil Company, PSCo constructed a vertical barrier wall and hydraulic containment trench to intercept NAPL from entering the Poudre River.

The CERCLA remedy being implemented at the Site is intended to prevent further releases of coal tar constituents into the Poudre River. The claims to be asserted by Mr. Schrader do not impact the CERCLA remedy but rather address conditions in other areas of the Site. Large quantities of contaminated soils still remain at the Site, especially in the area of the former City Dump, at levels exceeding State standards. A large portion of the Site is currently used as a park/community recreation center and community services center. The presence of RCRA hazardous wastes at levels exceeding State standards in this area and a potential inhalation pathway may present an endangerment to the public. The construction by the City of public buildings in this contaminated area further heightens the risk posed to public health.

The City and PSCo are former owners and/or operators of facilities who have contributed to the handling, storage, treatment or disposal of hazardous wastes at the Site which may present an imminent and substantial endangerment to the public or environment. For this reason, Mr. Schrader hereby places the City and PSCo on notice of his intent to assert claims against the City and PSCo pursuant to 42 U.S.C. § 6972(a)(1)(B).

Sincerely,



Donn L. Calkins  
for GABLEHOUSE CALKINS & GRANBERG, LLC

cc: Stephen L. Johnson, Administrator, U.S. Environmental Protection Agency  
Robert Roberts, Administrator, U.S. Environmental Protection Agency, Region 8  
Gary Baughman, HMWMD, State of Colorado  
Matthew Cohn, Esq., 8ENF-L  
Paul Peronard, 8EPR-SA  
Lauren C. Buehler, Esq.  
Carrie Daggett, Esq.